

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----
ALICE KRAMER, as Personal Representative of :
the Estate of Arthur Kramer, :
:-----Plaintiff, :
:------ against - :
:-----LOCKWOOD PENSION SERVICES, INC., TALL :
TREE ADVISORS, INC., LIFE PRODUCTS :
CLEARING, LLC, TRANSAMERICA :
OCCIDENTAL LIFE INSURANCE CO., PHOENIX :
LIFE INSURANCE CO., LINCOLN LIFE & :
ANNUITY CO. OF NEW YORK, AND :
JONATHAN S. BERCK, :
:-----Defendants. :
:-----PHOENIX LIFE INSURANCE CO., :
:-----Third-Party Plaintiff, :
:------ against - :
:-----STEVEN LOCKWOOD, :
:-----Third-Party Defendant. :

xCase No. 08 CV 2429
(DAB)(MHD)**NOTICE OF MOTION**

PLEASE TAKE NOTICE, that upon the accompanying memorandum of law, and upon all prior pleadings and proceedings heretofore had herein, defendants Lockwood Pension Services, Inc. and Tall Tree Advisors, Inc. and third party defendant Steven Lockwood will move this Court before the Hon. Deborah A. Batts, at the United States Courthouse, 500 Pearl Street, New York, New York, on such date as designated by the Court, for an order pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure dismissing the cross claims against Lockwood Pension Services, Inc. and Tall Tree Advisors, Inc., and the third party claims against third party defendant Steven Lockwood that have been asserted by defendant Phoenix Life Insurance Co. in its Answer to Amended Complaint with Counterclaims, Cross-

Claims and Third Party Complaint, and for such other and further relief as may be just and proper.

Dated: July 7, 2008

ROSENFELD & KAPLAN, LLP.

By:



Tab K. Rosenfeld (TR-9212)
Steven M. Kaplan (SK-4228)
Robert M. Klingon (RK-0574)
535 Fifth Avenue
New York, New York 10017
(212) 682-1400
Attorneys for Defendants Lockwood
Pension Services, Inc. and Tall Tree
Advisors, Inc. And Third Party Defendant
Steven Lockwood